



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Booz-Allen & Hamilton, Inc.--Reconsideration
File: B-225770.2
Date: May 1, 1987

DIGEST

1. Dismissal of protest filed 11 working days after hand delivery to protester's employee of copy of contracting officer's denial of protest to agency is affirmed. Delivery of denial, clearly addressed to counsel at protester's headquarters, to senior employee experienced in procurement is adequate notice of initial adverse agency action.
2. "Snow day," on which federal offices in District of Columbia were closed but federal offices elsewhere were open, is analogous to Inauguration Day and is a working day for purposes of computing timeliness, since it did not fall on the last day of the 10-day filing period.

DECISION

Booz-Allen & Hamilton, Inc., requests reconsideration of our decision in Booz-Allen & Hamilton, Inc., B-225770, Mar. 12, 1987, 87-1 C.P.D. ¶ ___, dismissing Booz-Allen's protest against the Department of the Army's award of contract No. DAAB07-87-D-A001 to System Development Corporation. We affirm the dismissal.

When a protest has been filed initially with a contracting agency, our Bid Protest Regulations require that any subsequent protest to our Office be filed within 10 working days after the protester receives notice of the agency's initial adverse action. 4 C.F.R. § 21.2(a)(3) (1986). We dismissed Booz-Allen's protest because it was not filed with us until February 25, 11 working days after a Booz-Allen employee picked up a copy of the contracting officer's denial of Booz-Allen's protest to the agency.

Booz-Allen describes the employee who picked up the copy of the contracting officer's denial as a "lay employee not

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involved in the protest" and argues that the 10 working days permitted Booz-Allen to file its protest with our Office should not have started until February 13, when counsel for Booz-Allen received a copy of the denial, sent by registered mail, at Booz-Allen's headquarters. Booz-Allen also notes that Monday, February 23, was a "snow day" when federal offices in Washington, D.C., were closed because of the weather and contends that this day should not be counted as a working day.

The Army has provided a copy of a sign-in sheet from a debriefing on a prior procurement in which the employee who picked up the contracting officer's denial is identified as a Booz-Allen senior associate. The copy of the contracting officer's denial which is in the record is very clearly addressed to counsel at Booz-Allen's headquarters. In short, it appears to us that the contracting officer's denial, clearly addressed to Booz-Allen's counsel, was handed to a senior Booz-Allen employee with procurement experience. In our view, this was adequate notice to Booz-Allen of adverse action on Booz-Allen's protest to the agency. See Dow Corning Corp., B-180219, May 23, 1974, 74-1 C.P.D. ¶ 281. Booz-Allen's delay in advising counsel of this notice is not a valid basis to extend the filing time for a protest. Media Associates Inc., B-211153, Apr. 12, 1983, 83-1 C.P.D. ¶ 385.

As to Booz-Allen's other point, under our Regulations "working days" means working days of the federal government. 4 C.F.R. § 21.0(d). Although federal offices in Washington, D.C., including our Office, were closed on Monday, February 23, because of inclement weather, this day was a federal working day, and government offices in other locations were open. This is analagous to the situation with federal offices on Inauguration Day, which we generally consider a working day in determining the timeliness of a protest. See, e.g., Saco Defense Systems Division, Maremont Corp., B-218089, Mar. 7, 1985, 85-1 C.P.D. ¶ 285.

The only exception we have recognized in the Inauguration Day cases is when Inauguration Day falls on the tenth day of the timeliness period, in which case we extend the timeliness period 1 working day since it would be inequitable to end the timeliness period on a day when it would have been impossible for the protester to file with our Office. See Mutual of Omaha Insurance Co., B-201710, Jan. 4, 1982, 82-1 C.P.D. ¶ 2. The same consideration regarding filing impossibility does not apply where the protester, after the disruption, still has the opportunity to file its protest within the original 10 working days. See, e.g., Tracor Applied Sciences--Reconsideration, B-218051.2, Apr. 12, 1985, 85-1 C.P.D. ¶ 422.

Since Booz-Allen could have filed its protest with our Office on February 24, which would have been within the original 10 working days, but did not do so until February 25, the protest was untimely. The dismissal is affirmed.

Harry R. Van Cleve
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General Counsel